

Supreme Court of the United States

Office Supreme Court, U.S.
FILED

MAY 2 1962

JOHN F. DAVIS, CLERK

OCTOBER TERM, 1961 **2**

No. **6**

JAMES EDWARDS, JR., AND 186 OTHERS, PETITIONERS,

versus

STATE OF SOUTH CAROLINA

BRIEF IN OPPOSITION

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JOHN F. DAVIS, CLERK

IN THE
Supreme Court of the United States

OCTOBER TERM, 1962

No. 86

JAMES EDWARDS, JR., *et al.*,

Petitioners,

—v.—

STATE OF SOUTH CAROLINA,

Respondent.

ON WRIT OF CERTIORARI TO THE SUPREME COURT
OF THE STATE OF SOUTH CAROLINA

BRIEF FOR PETITIONERS

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Supreme Court of the United States

OCTOBER TERM, 1961

No.

JAMES EDWARDS, JR., AND 186 OTHERS, PETITIONERS,

versus

STATE OF SOUTH CAROLINA

BRIEF IN OPPOSITION

QUESTION PRESENTED

Where there was sufficient evidence before the trial court to sustain conviction of petitioners of the common law crime of breach of the peace, even though the acts out of which the charges arose were done in the course of the exercise of petitioners' constitutional right to assemble and petition for redress of grievances.

STATEMENT

Petitioners, approximately two hundred strong, approached the State House grounds in the City of Columbia and announced that they intended to march in and about the grounds for the purpose of protesting certain laws of

the State with which they were not in agreement (R. 83, R. 138). They proceeded to walk in and about the grounds in organized groups for approximately forty-five minutes without hindrance from anyone (R. 85).

Police officers had been stationed in the area for the purpose of maintaining order, and both the City Manager and the Chief of Police of the City of Columbia were present during the entire episode (R. 50). Not only were petitioners permitted to demonstrate for nearly an hour without interference (R. 43), but they did so under protection of police officers. It was not until a breach of public order had actually occurred, caused by the activities of petitioners, that police authorities ordered petitioners to desist. A crowd of 300-350 onlookers, attracted by the activities of petitioners, had gathered, blocking sidewalks and streets, and adversely affecting traffic on adjacent streets (R. 44). Potential "troublemakers", known to police, were seen in the crowd attracted to the scene by the petitioners (R. 33). In the opinion of responsible City authorities, a situation had developed which was potentially dangerous (R. 165).

Upon receiving instructions by the City Manager to disperse, petitioners refused to do so, expressing their defiance by loud singing, shouting, chanting and stamping of feet (R. 40, R. 166), deliberately making a bad situation worse. It was not until after all these events had taken place that the arrests of petitioners were effected.

ARGUMENT

There is no conflict in the decision of the State Court with any principle enunciated by this Court.

The opinion of the State Court, set forth in the petition, pp. 10a-15a, appendix, does not hold, as is inferred by petitioners in the second question presented, p. 2, petition, that the convictions of petitioners could be affirmed be

CONCLUSION

WHEREFORE, for the foregoing reasons, it is respectfully submitted that the petition for writ of certiorari should be denied.

Respectfully submitted,

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